

# Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### Feed Grain Donations; Flathead Indian Reservation of Montana

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Notice.

**SUMMARY:** Executive Vice President, Commodity Credit Corporation (CCC) is announcing that the Flathead Indian Reservation of Montana is an acute distress area and that CCC-owned feed grain will be donated to needy livestock owners on the reservation.

**FOR FURTHER INFORMATION CONTACT:** John Newcomer, Consolidated Farm Service Agency, P.O. Box 2415, Washington, DC 20013-2415, 202-720-6157.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, notice is being given that it is determined that:

1. The chronic economic distress of the needy members of the Confederated Salish and Kootenai Tribes located on the Flathead Indian Reservation of Montana has been materially increased and become acute because of severe drought during the 1994 growing season and ensuing wild fires, thereby creating a serious shortage of feed and causing increased economic distress. This reservation is utilized by members of the Confederated Salish and Kootenai Tribes for grazing purposes.

2. The use of feed grain or products thereof made available by CCC for livestock feed for such needy members on the Flathead Indian Reservation will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, the Flathead Indian Reservation of Montana is declared an acute distress area and the donation of feed grain owned by the CCC is authorized to

livestock owners who are determined by the Bureau of Indian Affairs, United States Department of the Interior, to be needy members of the Confederated Salish and Kootenai Tribes utilizing such lands. These donations by the CCC may commence upon November 15, 1994, and shall be made available through April 30, 1995, or such other date as may be stated in a notice issued by the Executive Vice President, CCC.

Signed at Washington, DC, on December 23, 1994.

**Bruce R. Weber**

*Acting Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 95-240 Filed 1-4-95; 8:45 am]

**BILLING CODE 3410-05-P**

#### Feed Grain Donations; Pueblo of Laguna Indian Reservation of New Mexico

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Notice.

**SUMMARY:** The Executive Vice President, Commodity Credit Corporation (CCC) is announcing that the Pueblo of Laguna Indian Reservation of New Mexico is an acute distress area and that CCC-owned feed grain will be donated to needy livestock owners on the reservation.

**FOR FURTHER INFORMATION CONTACT:** John Newcomer, Consolidated Farm Service Agency, P.O. Box 2415, Washington, DC 20013-2415, 202-720-6157.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, notice is being given that it is determined that:

1. The chronic economic distress of the needy members of the Indians on the Pueblo of Laguna Indian Reservation of New Mexico has been materially increased and become acute because of drought during the 1992, 1993, and 1994 growing seasons, thereby creating a serious shortage of feed and causing increased economic distress.

This reservation is designated for Indian use and is utilized by members of the Pueblo of Laguna for grazing purposes.

2. The use of feed grain or products thereof made available by CCC for livestock feed for such needy members of the Pueblo Indians on the Pueblo of

Laguna Indian Reservation will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, the Pueblo of Laguna Indian Reservation of New Mexico is declared an acute distress area and the donation of feed grain owned by the CCC is authorized to livestock owners who are determined by the Bureau of Indian Affairs, United States Department of the Interior, to be needy members of the Pueblo of Laguna utilizing such lands. These donations by the CCC may commence upon September 22, 1994, and shall be made available through December 20, 1994, or such other date as may be stated in a notice issued by the Executive Vice President, CCC.

Signed at Washington, DC, on December 23, 1994.

**Bruce R. Weber,**

*Acting Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 95-242 Filed 1-4-95; 8:45 am]

**BILLING CODE 3410-05-P**

## Forest Service

### Bennett-Cottonwood Oil and Gas Development EIS Custer National Forest, McKenzie County, North Dakota

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice; intent to prepare environmental impact statement.

**SUMMARY:** The USDA, Forest Service, will prepare an environmental impact statement (EIS) to disclose the environmental effects of further oil and gas development in the Bennett-Cottonwood area, approximately 22 air miles south of Watford City, North Dakota. The lands involved include portions of the McKenzie Ranger District, Little Missouri National Grasslands, Custer National Forest.

**DATES:** Written comments concerning the scope of the analysis must be received by February 21, 1995.

**ADDRESSES:** Written comments concerning the analysis should be sent to District Ranger, McKenzie Ranger District, Little Missouri National Grasslands, Custer National Forest, HCO 2, Box 8, Watford City, North Dakota, 58854.

**FOR FURTHER INFORMATION CONTACT:**

Questions about the proposed action and EIS should be directed to Lesley W. Thompson, District Ranger, McKenzie Ranger District. Phone (701) 842-2393.

**SUPPLEMENTARY INFORMATION:** Until recently, there has been only one productive oil well in the Bennett-Cottonwood area. The lease for this well was issued in 1970 and has been held in production since 1980 by Apache Corporation. It's establishment and maintenance has had little impact on the area.

The high potential for oil and the development of leased mineral rights, as well as, private mineral rights, has resulted in the establishment of eight new oil wells within the area since 1991 (four Federal minerals and four private minerals). Successful oil production from these well has resulted in additional applications to drill on existing leases within the area.

Since 1970, the year of the oldest lease in the area, several resource management plans were prepared that inventoried and analyzed the area. They are: the Badlands Unit Plan (1974/75); Roadless Area Resource Inventory (RARE II, 1979); the Custer National Forest Land and Resource Management Plan, EIS, and Record of Decision (June 10, 1987); and the Oil and Gas Leasing EIS and ROD for the Northern Little Missouri National Grasslands (1991).

In addition to the noted plans, the North Dakota Game and Fish, re-introduced bighorn sheep (California subspecies) into the Sheep Creek area in 1987. Bighorn sheep are a sensitive species in the Northern Region (R-1) of the Forest Service.

The McKenzie Ranger District intends on preparing an EIS because further development in this area may significantly affect bighorn sheep and/or the Bennett-Cottonwood inventoried roadless area (L1DAY).

There are a total of thirteen (13) new oil wells proposed to be developed within the Bennett-Cottonwood area. Of the thirteen proposed wells, five (5) will sit on Federal surface accessing Federal minerals, two (2) will sit on Federal surface accessing private minerals, two (2) will sit on private surface accessing Federal minerals, one (1) will sit on private surface accessing private minerals, two (2) will sit on North Dakota state surface accessing Federal minerals, and one (1) will sit on North Dakota state surface accessing state leased minerals. Of the wells noted above, three that will sit on the same parcel of private property will require new road construction, across the Federal surface, for access. This will require approval of a special use permit by the Forest Service.

Forest Service decision authority is limited to the lands the Forest Service administers. Thus, in this instance, the Forest Service proposes to approve the surface use and operations plans for the construction of five (5) new oil wells, associated roads, and production facilities in the Bennett-Cottonwood area. As well as, consider approving a special use permit for a road to access private property surrounded by Federal lands within the same area. Production facilities includes the connection of proposed wells to an oil and gas pipeline system. The Forest Service will not make any decision(s) regarding the use of private or state lands, but must, pursuant to the National Environmental Policy Act, consider the cumulative effects of actions "regardless of what agency (Federal or non-Federal) or person undertakes such other actions" (40 CFR 1508.7).

This is a project level decision. The project area is located in the following Townships, Ranges, and Sections: T146N, R100W, S(s) 3, 4, 5, 8, 9, and 10; and T147N R100W, S(s) 22, 26, 27, 28, 32, 33, and 34. This is approximately 7,360 acres. The analysis area will be larger and will include the Bennett-Cottonwood inventoried Roadless area and suitable bighorn sheep habitat for the Sheep Creek herd.

The decision(s) to be made are to approve or deny for implementation, in part or whole, as submitted or modified, individual development actions.

#### **Additional Resource Information**

Lands within the analysis area include portions of the following Townships and Ranges: T147N, R100 and 101W; T146N, R99, 100, and 101W, 5th PM. There are approximately 28,500 acres of land within the analysis area boundary, including 5,440 acres of privately owned lands, and 1,280 acres of North Dakota state lands. There are approximately thirty-one (31) leases within the analysis area. The scope and area of the decision will include National Forest System lands or those administered by the U.S. Forest Service only.

#### **Roadless Resource**

Part of the project area falls within the Bennett-Cottonwood inventoried roadless area. There are 13,760 acres of National Forest System lands within this roadless area. Its potential for wilderness recommendation was considered in the Forest Planning effort. In the Forest Plan Record of Decision, none of this area was recommended for wilderness consideration. Rather, approximately 4,600 acres was allocated to Management Area B (intensive range

management), 2,900 acres to Management Area C (key wildlife habitat area, in this case, bighorn sheep), and the rest to Management Area J (low development area).

In the Forest Plan Record of Decision, it was recognized that because of existing commitments (private mineral rights and existing leases), it would be difficult to manage this area in an undeveloped state. However, the designation of Management Area C and J was considered the best attempt of managing for these values while still recognizing existing rights (CNF ROD page 20).

The issue of oil and gas development on the roadless character of the area surfaced again during the Oil and Gas Leasing FEIS for the Northern Little Missouri National Grasslands. While the decision was to lease the land within the Bennett-Cottonwood Management Area C with an NSO stipulation, close to 60 percent of the management area was already leased and held by production (NLM FEIS page 3-35). Some additional development was envisioned in this area as a result of these existing leases, as shown in the Reasonably Foreseeable Development Scenario (RFD) that was a part of this leasing analysis (NLM FEIS page 4-6). Managing these lands for low development has been compromised by the need for access and development of existing leases and due to limited control of privately owned minerals under Federal Surface ownership (NLM ROD page 19).

#### **Wildlife, Bighorn Sheep**

Bighorn sheep (believed to be the Audubon subspecies), once a native of the North Dakota badlands, disappeared from the state when the last reported ram was killed in 1905. The North Dakota Game and Fish Department began re-introducing California bighorn sheep into the badlands of North Dakota in 1955. Since that time nearly 260 sheep populate, through breeding and release, private, state, and Federal lands throughout western North Dakota. The Sheep Creek herd was re-introduced near the Sheep Creek/Bennett-Cottonwood area in 1987. The Sheep Creek herd is comprised of approximately of 30-35 sheep and is a component of the Sheep Creek-Magpie metapopulation which numbers approximately 50 to 60 sheep.

The Forest Service in conjunction with the North Dakota Game and Fish Department and some oil companies are engaged in a research study of bighorn sheep on the National Grasslands. One of the anticipated outcomes is to shed light on the effects of oil and gas

activities on bighorn sheep. The information gained through this study will be used in developing a conservation strategy that addresses the long term management of California bighorn sheep on the Little Missouri National Grasslands.

This EIS will tier to the Custer National Forest Land and Resource Management Plan, EIS, and Record of Decision (1987), as amended, and the Oil and Gas Leasing EIS for the Northern Little Missouri National Grasslands and Record of Decision (1991). This is a project level decision and the scope of the analysis will be confined to issues associated with the proposed action.

Federal, state, and local agencies, lessees, permittees, and other individuals or organizations interested in or potentially affected by the decision are invited to participate in the scoping process. Input to identify issues and alternatives to be addressed in this analysis will be gathered from the public through mailing of scoping information to all known interested publics.

Based on comments made by the public on past proposals, the following list of preliminary environmental issues has been identified. This list will be confirmed or modified based on further input from the public.

1. Consider the effects of oil well and associated access road(s) development, including Federally leased minerals and where private minerals are overlain by Federal surface and/or are accessed across Federal surface, on:
  - a. Sensitive plant and/or animal species, including bighorn sheep;
  - b. The Bennett-Cottonwood inventoried roadless area;
  - c. Canyon lands/complexes, including riparian areas;
  - d. Visual quality, especially as seen from the North Unit of Theodore Roosevelt National Park, and the Little Missouri Scenic River;
  - e. Grazing;
  - f. Private lands and access to these lands within the analysis area;
  - g. The Maah-Daah-Hey Trail; and
  - h. The transportation system.

Alternatives to be considered in this analysis depend on the final list of environmental issues. The following is a list of preliminary alternatives.

1. No Action, deny, or defer to a later time, further development within the area.
2. Approve as submitted, applications for permit to drill (Proposed Action);
3. Approve but modify, applications for permit to drill.

### Release of Draft and Final EIS

The draft environmental impact statement (DEIS) is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in May 1, 1995. At that time, the EPA will publish a Notice of availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS will be 45 days from the date the EPA's notice of availability appears in the **Federal Register**. It is very important that those interested in management of the Bennett-Cottonwood area participate at this time. To be most helpful, comments on the Draft EIS should be as site-specific as possible. The Final EIS is scheduled to be completed by July 1, 1995.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participants in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering tentative issues and proposed alternatives it is helpful if comments are as specific as possible. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Act at 40 CFR 1503.3 in addressing these points.

I am the responsible official for this decision and EIS. My address is McKenzie Ranger District, Little Missouri National Grasslands, Custer National Forest, HC02 Box 8, Watford City, North Dakota 58854.

Dated: December 29, 1994.

**Lesley W. Thompson,**  
District Ranger.

[FR Doc. 95-197 Filed 1-4-95; 8:45 am]

BILLING CODE 3410-11-M

### Eagle Creek Wild and Scenic River Management Plan Environmental Assessment, Wallowa-Whitman National Forest, Baker and Union Counties, OR

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Availability.

**SUMMARY:** On December 22, 1994, Wallowa-Whitman Forest Supervisor, R.M. Richmond, signed a Decision Notice which adopted into the Forest Plan the Eagle Creek Wild and Scenic River Management Plan which required an amendment to the Wallowa-Whitman Forest Plan.

This management plan outlines use levels, development levels, resource protection measures, and outlines a general management direction for the river corridor. This amendment is necessary to implement the Wild and Scenic Rivers Act which required the Forest Service to develop a management plan for Eagle Creek. Interim direction was identified in the Forest Plan as Management Area 7 (Wild and Scenic Rivers). The environmental assessment documents the analysis of alternatives to managing the Eagle Creek Wild and Scenic River in accordance with the Wild and Scenic Rivers Act.

This decision is subject to appeal pursuant to Forest Service regulations 36 CFR Part 217. Appeals must be filed within 45 days from the date of publication in the Baker City Herald. Notices of Appeals must meet the requirement of 36 CFR 217.9.

The environmental assessment for the Eagle Creek Wild and Scenic River Management Plan is available for the public review at the Wallowa-Whitman National Forest Supervisor's Office in Baker City, Oregon.

**EFFECTIVE DATE:** Implementation of this decision shall not occur within 30 days following publication of the legal notice of the decision in the Baker City Herald.

**FOR FURTHER INFORMATION CONTACT:** Steve Davis, Wallowa-Whitman National Forest, P.O. Box 907, Baker City, Oregon 97814 or phone (503) 523-1316.

Dated: December 22, 1994.

**R. M. Richmond,**  
Forest Supervisor.

[FR Doc. 95-198 Filed 1-4-95; 8:45 am]

BILLING CODE 3410-11-M